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15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. 18-891-DMG

21 Plaintiff,

22 STIPULATION REGARDING REQUEST FOR
(1) CONTINUANCE OF TRIAL DATE AND
(2) FINDINGS OF EXCLUDABLE TIME
PERIODS PURSUANT TO SPEEDY TRIAL
ACT

23 v.

24 ROBIN DIMAGGIO,

25 Defendant.

26 **CURRENT TRIAL DATE:** 07/23/2019
PROPOSED TRIAL DATE: 08/27/2019

27 Plaintiff United States of America, by and through its counsel
28 of record, the United States Attorney for the Central District of
California and Assistant United States Attorney Poonam G. Kumar, and
defendant Robin DiMaggio ("defendant"), both individually and by and
through his counsel of record, Erin Murphy, hereby stipulate as
follows:

1. The Information in this case was filed on December 20,
2018. Defendant first appeared before a judicial officer of the
court in which the charges in this case were pending on December 10,

1 2018. The Speedy Trial Act, 18 U.S.C. § 3161, originally required
2 that the trial commence on or before February 28, 2019.

3 2. On January 8, 2019, the Court set a trial date of March 12,
4 2019 and a pre-trial conference for February 27, 2019.

5 3. Defendant is released on bond pending trial. The parties
6 estimate that the trial in this matter will last approximately four
7 days.

8 4. The Court has previously continued the trial date in this
9 case from March 12, 2019 to July 23, 2019, and found the interim
10 period to be excluded in computing the time within which the trial
11 must commence, pursuant to the Speedy Trial Act.

12 5. By this stipulation, defendant moves to continue the trial
13 date to August 27, 2019 and the pre-trial conference to August 14,
14 2019. This is the second request for a continuance.

15 6. Defendant requests the continuance based upon the following
16 facts, which the parties believe demonstrate good cause to support
17 the appropriate findings under the Speedy Trial Act:

18 a. Defendant is charged with a violation of 18 U.S.C.
19 § 1343: Wire Fraud and 18 U.S.C. § 1957: Transacting in Criminally-
20 Derived Proceeds. The government has produced nearly 10,000 pages,
21 including records from civil suits filed against defendant, reports
22 of interview with witnesses and victims, bank records, and escrow
23 records.

24 b. Defense counsel for defendant is presently scheduled
25 to be in trial in a one-day CVB matter on July 19, 2019; a four-day
26 wire fraud case in 18-CR-627-FMO on July 23, 2019; a two-day drug
27 distribution case in 18-CR-341-DSF on August 6, 2019; a three-day
28 drug distribution case in 18-CR-417-VAP on August 13, 2019; a

1 possession of ammunition case in 18-CR-242 on August 20, 2019; a
2 felon in possession case in 18-CR-164-AB on August 27, 2019; a three-
3 day drug case in 13-CR-863-JAK on September 10, 2019; an illegal
4 reentry after deportation case in 18-CR-247-ODW on September 24,
5 2017; a bank fraud case in 18-65-FMO on September 24, 2019; a drug
6 distribution case in 19-164-MWF on October 14, 2019; a three-day
7 felon in possession case in 18-CR-860-FMO on October 29, 2019; a drug
8 distribution case in 18-CR-333-VAP on November 12, 2019.

9 c. In light of the foregoing, counsel for defendant also
10 represents that additional time is necessary to confer with
11 defendant, conduct and complete an independent investigation of the
12 case, conduct and complete additional legal research including for
13 potential pre-trial motions, review the discovery and potential
14 evidence in the case, and prepare for trial in the event that a
15 pretrial resolution does not occur. Defense counsel represents that
16 failure to grant the continuance would deny her reasonable time
17 necessary for effective preparation, taking into account the exercise
18 of due diligence.

19 d. Defendant believes that failure to grant the
20 continuance will deny him continuity of counsel and adequate
21 representation.

22 e. The government does not object to the continuance.

23 f. The requested continuance is not based on congestion
24 of the Court's calendar, lack of diligent preparation on the part of
25 the attorney for the government or the defense, or failure on the
26 part of the attorney for the Government to obtain available
27 witnesses.

28 7. For purposes of computing the date under the Speedy Trial

1 Act by which defendant's trial must commence, the parties agree that
2 the time period of July 23, 2019 to August 27, 2019, inclusive,
3 should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A),
4 (h)(7)(B)(i), and (h)(7)(B)(iv) because the delay results from a
5 continuance granted by the Court at defendant's request, without
6 government objection, on the basis of the Court's finding that: (i)
7 the ends of justice served by the continuance outweigh the best
8 interest of the public and defendant in a speedy trial; (ii) failure
9 to grant the continuance would be likely to make a continuation of
10 the proceeding impossible, or result in a miscarriage of justice; and
11 (iii) failure to grant the continuance would unreasonably deny
12 defendant continuity of counsel and would deny defense counsel the
13 reasonable time necessary for effective preparation, taking into
14 account the exercise of due diligence.

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1 8. Nothing in this stipulation shall preclude a finding that
2 other provisions of the Speedy Trial Act dictate that additional time
3 periods be excluded from the period within which trial must commence.
4 Moreover, the same provisions and/or other provisions of the Speedy
5 Trial Act may in the future authorize the exclusion of additional
6 time periods from the period within which trial must commence.

7
8 IT IS SO STIPULATED.

9 Dated: July 1, 2019

10 Respectfully submitted,

11 NICOLA T. HANNA
12 United States Attorney

13 BRANDON D. FOX
14 Assistant United States Attorney
15 Chief, Criminal Division

16 _____
17 /s/
18 POONAM G. KUMAR
19 Assistant United States Attorney

20 Attorneys for Plaintiff
21 UNITED STATES OF AMERICA

1 I am Robin DiMaggio's attorney. I have carefully discussed
2 every part of this stipulation and the continuance of the trial date
3 with my client. I have fully informed my client of his Speedy Trial
4 rights. To my knowledge, my client understands those rights and
5 agrees to waive them. I believe that my client's decision to give up
6 the right to be brought to trial earlier than August 27, 2019 is an
7 informed and voluntary one.

8
9 ~~NEHA CHRISTIANA ERIN MURPHY~~
10 Attorney for Defendant
ROBIN DIMAGGIO

Date

7/5/2019

11
12 I have read this stipulation and have carefully discussed it
13 with my attorney. I understand my Speedy Trial rights. I
14 voluntarily agree to the continuance of the trial date, and give up
15 my right to be brought to trial earlier than July 23, 2019. I
16 understand that I will be ordered to appear in Courtroom 8C of the
17 Federal Courthouse, 350 West First Street, Los Angeles, California on
18 August 14, 2019 at 2:00 P.M.

19 ~~ROBIN DIMAGGIO~~
20 Defendant

Date

July 3rd 2019